

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 2, 2007 at 7:01 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Alliance.

The following members of the Council answered roll call in person: YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White. Commissioner David Cline had an excused absence.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, Fire Chief Mike Chism, and City Clerk Susan O'Brien.

### **CONSENT AGENDA:**

*Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.*

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting December 19, 2006; payroll and bills for the last half of December.

#### **Bills and Payroll for the last half of December, 2006**

##### **General Fund**

Payroll	\$ 2,485,798.32
Bills	<u>\$ 118,690.54</u>
Total	\$ 2,604,488.86

##### **Hotel Tax Fund**

Payroll	\$ 1,650.54
Bills	<u>\$ 5,293.55</u>
Total	\$ 6,944.09

##### **Festival Management Fund**

Bills	<u>\$ 1,790.80</u>
Total	\$ 1,790.80

##### **Revolving Loan Fund**

Bills	<u>\$ 260.00</u>
Total	\$ 260.00

##### **Capital Project Fund**

Bills	<u>\$ 21,351.85</u>
Total	\$ 21,351.85

##### **Water Fund**

Payroll		\$	25,118.78
Bills		\$	<u>34,009.30</u>
	Total	\$	59,128.08
<b><u>Sewer Fund</u></b>			
Payroll		\$	23,774.02
Bills		\$	<u>7,903.79</u>
	Total	\$	31,677.81
<b><u>Cemetery Fund</u></b>			
Payroll		\$	3,204.18
Bills		\$	<u>108.93</u>
	Total	\$	3,313.11
<b><u>Health Insurance</u></b>			
Bills		\$	<u>69,364.71</u>
	Total	\$	69,364.71
<b><u>Motor Fuel Tax Fund</u></b>			
Bills		\$	<u>445,183.46</u>
	Total	\$	445,183.46

Mayor White declared the motion to approve the consent agenda carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

## **PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

*This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.*

Police Chief Metzelaars formally recognized Police Officer John Hedges with a certificate for his efforts in saving a newborn child on December 17, 2006.

Mayor White updated the public on the public safety departments of the City and acknowledged the Public Works Department's accomplishment of no loss of time due to injuries for the last two years. He further expounded on the budgets for the fire and police departments; 53% of the tax levy devoted to police/fire pensions; the police pension fund; mileage of the police department; 3,000 calls per month handled by six dispatchers and one supervisor; complimented the support staff, uniformed officers, detectives, chief and assistant chief; noted the need for two additional officers; and disclosed the \$2.4M per year compensation of police department. Mrs. Wanda Ferguson complimented the police department on their handling of a meth situation. Chief Metzelaars expressed appreciation for the support of the Council, City Administrator, City Attorney/Treasurer and for the Omega funds to purchase much needed equipment.

## **NEW BUSINESS**

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-699, authorizing a solicitation for competitive bids for replacement bullet-proof vests for the Police Department to be purchased with Omega & Grant funds.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision request 2007-700, authorizing the Mayor to sign contract documents with Commercial Electric of Mattoon in the amount of \$1,213,964 for the Waste Water Treatment Plant Automation Project.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-701, authorizing the Waste Water Treatment Plant Superintendent to purchase parts required to rebuild Filter Cell #7 contained within the Sand Filtration Process Building.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1188, authorizing the sale of Lot 15 in Lake Paradise Subdivision to Judy Titko, current owner of a home on leased premises at Lot 15, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3365 Pana Lane).

## **CITY OF MATTOON, ILLINOIS**

### ***SPECIAL ORDINANCE NO. 2007-1188***

**SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 15 IN LAKE PARADISE SUBDIVISION TO JUDY TITKO, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 15, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 3365 PANA LANE)**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Judy Titko has made an offer to purchase the property for \$5,300.00; and

**WHEREAS**, Judy Titko owns the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$5,300.00 was the fair market value of the real estate as of November 29, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Judy Titko, subject to a payment of \$5,300.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 15 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner McKenzie,</u> <u>Commissioner Schilling, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Cline</u>

Approved this 2nd day of January, 2007.

/s/ Charles E. White  
Charles E. White,

Mayor  
Mattoon, Coles County, Illinois

City of

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1189, authorizing the sale of Lot 8 in Lake Paradise Subdivision to Madonna Clark, current owner of a home and leased premises at Lot 8, Lake Paradise Subdivision and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3475 East Lake Paradise Road).

## **CITY OF MATTOON, ILLINOIS**

### ***SPECIAL ORDINANCE NO. 2007-1189***

#### **SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 8 IN LAKE PARADISE SUBDIVISION TO MADONNA CLARK, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 8, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 3475 EAST LAKE PARADISE ROAD)**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Madonna Clark has made an offer to purchase the property for \$11,000.00; and

**WHEREAS**, Madonna Clark owns the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$11,000.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance

covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Madonna Clark, subject to a payment of \$11,000.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 8 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner McKenzie,</u> <u>Commissioner Schilling, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Cline</u>

Approved this 2nd day of January, 2007.

/s/ Charles E. White  
Charles E. White,

Mayor  
Mattoon, Coles County, Illinois

City of

ATTEST: APPROVED AS TO FORM

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1190, authorizing the sale of Lot 63 in Lake Paradise Subdivision to Sylvia E. James, current owner of a home on leased premises at Lot 63, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to

complete the transaction. (Commonly known as 2953 East Lake Paradise Road)

**CITY OF MATTOON, ILLINOIS**

***SPECIAL ORDINANCE NO. 2007-1190***

**SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 63 IN LAKE PARADISE SUBDIVISION TO SYLVIA E. JAMES, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 63, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2953 EAST LAKE PARADISE ROAD)**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Sylvia E. James has made an offer to purchase the property for \$19,300.00; and

**WHEREAS**, Sylvia E. James owns the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$19,300.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Sylvia E. James, subject to a payment of \$19,300.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 63 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.



**WHEREAS**, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

**WHEREAS**, Dianne M. Stanley has made an offer to purchase the property for \$6,500.00; and

**WHEREAS**, Dianne M. Stanley owns the home located on the property; and

**WHEREAS**, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$6,500.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

**WHEREAS**, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

**WHEREAS**, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Dianne M. Stanley, subject to a payment of \$6,500.00. The purchase price will be due at closing.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 96 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 2<sup>nd</sup> day of January, 2007, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Ervin, Commissioner McKenzie,</u> <u>Commissioner Schilling, Mayor White</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Cline</u>

Approved this 2<sup>nd</sup> day of January, 2007.

/s/ Charles E. White

Charles E. White,

City of

Mayor  
Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2007-702, authorizing the Mayor to sign a contract for auditing services with Azavar Audit Solution, Inc. for the audit of the telecommunication, franchise, hotel/motel and other tax receipts of the City.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-703, authorizing the Mayor and City Clerk to sign an Easement in favor of the Kickapoo Drainage District for part of the old water treatment plant and lagoons.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-704, ratifying the re-appointment of Mary Wetzel and the appointment of Dr. Don Freesmeier to the Tourism Board with terms ending September 1, 2008.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2007-705, appointing Scott Gradle to the Mattoon Arts Council for a two-year term expiring on September 30, 2008.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

City Attorney/Treasurer Owen stated the Azavar Audit Solutions, Inc. contract was negotiated along with the City of Charleston, further establishing both communities working together.

Mayor White seconded by Commissioner McKenzie moved to adjourn at 7:17 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk